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10/644,955	08/21/2003	Kazuo Okada	3022-0020	6676
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ALFRED A. STADNICKI 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209			SHAH, MILAP	
ART UNIT	PAPER NUMBER			
	3714			
NOTIFICATION DATE	DELIVERY MODE			
07/09/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/644,955	<b>Applicant(s)</b> OKADA, KAZUO
	<b>Examiner</b> Milap Shah	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 May 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,5-10,14,19-21,26 and 27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5-10,14,19-21,26 and 27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 28, 2008 has been entered.

The Examiner acknowledges that claims 1 & 5 were amended, claims 15-18 & 22-25 were canceled, and no new claims were added. Therefore, claims 1, 2, 5-10, 14, 19-21, 26, & 27 are currently pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, & 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (JP Publication No. 2000-300729) in view of Sakamoto (U.S. Patent No. 6,315,663), further in view of Ishida (JP Publication No. 09-253271). [Note: Machined translations for the foreign references are of record].

**Claims 1, 5, 9, & 10:** Nishikawa discloses the invention substantially as claimed including the following structurally relevant elements:

a) a variable device having a plurality of rotating reels (the kind having symbols on an outer peripheral surface) for varyingly displaying a plurality of symbols under the control of a central

processing unit or CPU (i.e. the gaming reels or drums as described in at least paragraph 0002 and figure 3[drums 2]);

b) a lottery device for executing a lottery for a *prize pattern* (interpreted as a game outcome) under control of the CPU (i.e. as the device disclosed by Nishikawa is a slot machine, it is implicit that the slot machine perform a random function to randomly select an outcome of the game using game symbols, said function is performed by the processor or equivalent "lottery device");

c) a stop control device for controlling and stopping the variable display device under the control of the CPU (i.e. the motor and mechanics that stops the reels or drums of the variable display device in accordance with the randomly selected outcome, such that game symbols on the reels or drums stop in accordance with said outcome);

d) a stop control selection device for selecting a control type of the stop control device based on a result of the lottery under control of the CPU (i.e. the stop control device is interpreted as the function or processing behind controlling of the stop control device to effectively stop the reels or drums of the variable display device at the desired locations in accordance with the lottery);

e) a shielding device for shielding a view of the variable display device under control of the CPU, the shielding device being disposed in front of the variable display device (figure 3[liquid crystal panel 33 disposed in front of drums 2]);

f) a shielding control device for controlling shielding (see at least figures 3-5, where in figures 4 or 5 it can clearly be seen that the shielding device is being controlled for the purpose of shielding various regions of the variable display device in accordance with the lottery performed above);

g) a special game controller for causing a special gaming state that is advantageous to the player under a predetermined condition (paragraph 0015 discloses that upon obtaining a

predetermined pattern a bonus game may be initiated as is common and known in the gaming arts, where the bonus game is considered a state that is advantageous to the player), wherein the shielding control device controls the shielding device during the special gaming state (paragraph 0015 further discloses use of the liquid crystal panel 33 during the bonus game);

Nishikawa structurally lacks disclosing a plurality of illumination devices, each of which illuminates the variable display device and is provided at the back of the variable display device and an illumination control device for controlling each of the plurality of illumination devices. It is noted that such elements are notoriously well known in the art as lamps, LEDs, lights or the like disposed behind the reel and shielding device structures to directly illuminate symbol positions of the game matrix. Such elements have been common place specifically within the slot machine art for decades. However, for the sake of avoiding mere assertions, the Examiner submits that Sakamoto explicitly discloses illumination devices (i.e. lamps, LEDs, or the like) used for illuminating a variable display device, each of which are disposed in the back of said variable display device (figures 2, where a lamp housing 33A is clearly shown as disposed within or behind the reel 32A). Sakamoto also discloses an illuminating control device for controlling the illumination devices (column 8, lines 36-54 & column 13, lines 10-17). Sakamoto also discloses that the plurality of illumination devices are disposed so as to illuminate a respective one of the displayed symbols and the illumination devices include a back lamp and a lamp housing containing the back lamp (figure 2 clearly discloses a lamp housing separated into three compartments each having one of the backlight or lamp devices, where the back light devices illuminate three symbols appearing at the position of the display window from within the back of the reel, see also column 8, lines 35-54). There are numerous reasons why one would be motivated to modify Nishikawa with illumination devices disposed in the back of the reel to backlight or highlight displayed

symbols. First, as it is common place in the art, it would have been a mere design consideration (It is noted that upon Applicant's request, the Examiner can cite numerous references, such as ten, for example, pre-dating the Applicant's filing that explicitly teach illumination devices in the claimed manner). Second, Nishikawa is directed to clearly conveying to a player a winning pattern and the illumination devices disclosed by Sakamoto are capable of being used to highlight symbol positions, thus, one would find it obvious to improve upon Nishikawa by including illumination devices to add more aesthetics to the representation of the winning pattern (i.e. Nishikawa uses its shielding means to indicate a winning line and Sakamoto improves this appearance by adding backlighting to brighten the display of the winning line). And lastly, the slot machine disclosed by Sakamoto is analogous to that of Nishikawa (i.e. both include mechanical means for rotating reels in a slot machine), thus falls in the same field of endeavor and those skilled in the art would have found it obvious to interchange elements or features of either machine to the other.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the structural elements as discussed above for at least the reasons discussed above.

The combination of Nishikawa & Yamaguchi et al. disclose the invention substantially structurally as claimed except for explicitly disclosing intended use or functional-type limitations of the claimed apparatus.

First, as noted in the previous action, recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art if the prior art apparatus teaches all of the structural limitations of the claim. See *Ex parte Masham*, 2 USPQ2d 1647 [Board of Patent Appeals & Interferences, 1987]. The Applicant argued that 35 U.S.C. 112, 6<sup>th</sup> authorizes claiming an apparatus based on its functional limitations.

While, the Examiner agrees with the Applicant, it is noted that the Applicant has NOT invoked 35 U.S.C. 112, 6<sup>th</sup> paragraph. If Applicant wishes to invoke 35 U.S.C. 112, 6th paragraph, all "for" language must be modified to "means for". Thus, the argument the Applicant submitted with respect to functional language in the instant application is moot, as the claim language is not proper to invoke 112, 6<sup>th</sup> paragraph and the cited language from the MPEP is specific to 35 U.S.C. 112, 6<sup>th</sup> paragraph.

Nonetheless, the Examiner will address the functional language as well. The combination of Nishikawa & Sakamoto fail to explicitly disclose the shielding device being in either a state that a player can see the symbols or a state that the player cannot see the symbols in accordance with a stopping order by controlling the shielding device such that (1) a display area of the reel that is to be stopped is in the state that the player can see the symbols on the reel and (2) display areas of other reels that are not to be stopped are in the state that the player cannot see the symbols on those reels. The Examiner initially submits that such a function of the shielding device is a mere design consideration, however, to avoid making assertions the Examiner submits Ishida discloses a gaming machine in which a validation order selection means selections one of two stored stop orders and conducts a game in which the player is directed to stop the reels in either of the two orders. Depending on the selected stop order, the player is able to only stop one reel at a time and the reel to be stopped is indicated to the player via an indication lamp associated with the stop button. Thus, Ishida discloses a teaching in which multiple reels are spinning and are to be stopped in accordance with a randomly selected stop order table. Given the established structural elements of the combination of Nishikawa & Sakamoto it would have required mere routine skill in the art to use the shielding device to shield those reels that are not to be stopped and make visible the reel that is to be stopped based on the stop order table as taught by Ishida. Again, it is noted, the only

missing element within Ishida for the functional limitation being addressed is that Ishida discloses no shielding of the reels not to be stopped, however, there is an implicit guard against being able to select those reels. At this point it's a mere design consideration to mask those reels that simply can not be stopped until their "turn" comes up based on the stop order table selected. Given the capability of the shielding device, the structure is present and capable to perform such a task. One would be motivated to modify Nishikawa with the teachings of Sakamoto and further with the teachings of Ishida to improve upon an older mechanical gaming machine in which it is well known in the art that certain skilled persons have been able to stop mechanical reels at desired positions, simply based on their skill of pressing stop buttons at the right time based not only on the reel that they're trying to stop but also what's on other reels. To avoid this type of skilled play (considered a form of cheating in casinos), it would have been desirable to completely mask or shield those reels that are not to be stopped such that players cannot skillfully stop all the reels at desired locations, resulting in a more secure and more random gaming machine. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishikawa with the teachings of Sakamoto as discussed above and further modify Nishikawa with shielding of reels that are not to be stopped based on a selected stop order table as taught by Ishida for at least the reasons discussed above.

**Claims 2, 6, & 8:** The liquid crystal panel of Nishikawa is considered an electronic shutter, as the display is a video display or LCD and "shutters" or blocks visibility of symbols.

**Claim 7:** The liquid crystal panel of Nishikawa is positioned in front of the variable display reels such that the panel is substantially flat and as discussed above switches between a state of transparency and a state of being opaque, and as each pixel can be controlled, some portions may be transparent while others are not, or vice versa (figures 3-5).

Claims 14, 19-21, 26, & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa, Sakamoto, & Ishida, as applied to claims 1, 2, & 5-10, where applicable, further in view of "Applicant Admitted Prior Art" under MPEP 2129(II) & 2144.03, section C [see "Response to Arguments"].

**Claims 14 & 21:** The combination of Nishikawa, Sakamoto & Ishida appears to lack an explicit disclosure of the specifics of the illumination devices. Regardless, the Applicant appears to admit that such specifics are well known in the art. Thus, implementing a blinking mode to the combination of Nishikawa, Sakamoto, & Ishida would have required mere routine skill in the art to those of ordinary skill in the art. The Applicant admits specifically that controlling the plurality of illumination devices to operate in different blinking modes, based on predetermined outcomes, is well known. Therefore it would have been *prima facie* obvious to modify the combination of Nishikawa, Sakamoto, & Ishida to obtain the invention as specified in claims 14 or 21. [note: Official Notice changed to "Applicant Admitted Prior Art" in accordance with MPEP 2144.03, section C].

**Claims 19, 20, 26, & 27:** The combination of Nishikawa, Sakamoto & Ishida appears to lack an explicit disclosure of the symbols being printed with light transmitting ink and regions around the symbols being printed with light shielding ink. Regardless, the Applicant appears to admit that such printing is well known in the art. As the illumination devices go, they're used for backlighting reels for various purposes. Thus, it would be essentially required for the symbols to be printed on semi-transparent material with light transmitting ink and any areas that you would not want transmitting light to be printed with light shielding ink, such as the region around the symbol to bring attention to the symbol. This practice has been well known in the art as evidenced by the applicant's admittance to such features being well known. Therefore it would have been *prima facie* obvious to

modify the combination of Nishikawa, Sakamoto, & Ishida to obtain the invention as specified in claims 19, 20, 26, or 27. [note: Official Notice changed to "Applicant Admitted Prior Art" in accordance with MPEP 2144.03, section C].

***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 5-10, 14, 19-21, 26, & 27 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant appears to have acquiesced to the "Official Notice" taken in regards to claims 14-27 (i.e. claims 14-27 of November 15, 2007). In accordance with MPEP 2144.03, section C, the Applicant is hereby notified that the subject matter of claims 14-27 is deemed as "Applicant Admitted Prior Art". In cases where the Applicant's specification, Applicant's remarks, or lack thereof indicates prior art by another, such prior art is considered "Applicant Admitted Prior Art". In this case, the Applicant's failure to traverse the Examiner's Official Notice is considered to be an admittance of prior art for at least the subject matter of claims 14-27. Therefore, as noted in the rejections presented above, the "Official Notice" of present claims 14-21, 26, & 27 has been converted to a rejection based on "Applicant Admitted Prior Art".

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner has cited additional prior art directed to illumination devices disposed within reel structures. The Applicant is requested to review this relevant prior art. See attached "Notice of References Cited".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/MBS/